

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|--|---|----------------------|
| TRUSTEES OF ROOFERS LOCAL NO. 33 PENSION |) | |
| FUND, THRIFT FUND AND INSURANCE FUND |) | |
| |) | |
| Plaintiffs |) | |
| |) | C.A. NO. 04-10511-NG |
| v. |) | |
| |) | |
| MARSHALL ROOFING & SHEET METAL, CO. |) | |
| |) | |
| Defendant |) | |
| _____ |) | |

STIPULATION OF DISMISSAL

The parties stipulate pursuant to Rule 41(a)(1)(ii) to the dismissal of this action,
with prejudice and without costs.

Date: September 9, 2004

Respectfully submitted,

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Aaron D. Krakow /s/

Attorney for plaintiffs Roofers Local

Union No. 33 Funds